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1 thought through,” *United States v. Rezzonico*, 32 F. Supp.2d 1112, 1116 (D. Ariz. 1998)  
2 (quotation omitted). Petitioner’s motion essentially reurges the same arguments already  
3 considered by the Court; it does not point to clear error, newly-discovered evidence, or an  
4 intervening change in the law. Therefore, the motion for reconsideration is denied.

5 Rule 22(b) of the Federal Rules of Appellate Procedure provides that when an appeal  
6 is taken by a petitioner, the district judge who rendered the judgment “shall” either issue a  
7 COA or state the reasons why such a certificate should not issue. Pursuant to 28 U.S.C. §  
8 2253(c)(2), a COA may issue only when the petitioner “has made a substantial showing of  
9 the denial of a constitutional right.” This showing can be established by demonstrating that  
10 “reasonable jurists could debate whether (or, for that matter, agree that) the petition should  
11 have been resolved in a different manner” or that the issues were “adequate to deserve  
12 encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (citing  
13 *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983)).

14 The Court finds that reasonable jurists could debate its resolution of Claim 3. For the  
15 reasons stated in the Court’s order of November 18, 2009 (Dkt. 51), the Court declines to  
16 issue a COA with respect to any other claims or procedural issues.


17 Based on the foregoing,

18 **IT IS ORDERED** that Petitioner’s Motion for Reconsideration (Dkt. 53) is **DENIED**.

19 **IT IS FURTHER ORDERED** that the Court issues a Certificate of Appealability on  
20 the following: Whether Petitioner is entitled to federal habeas relief on Claim 3, alleging that  
21 his federal constitutional rights were violated by the trial court’s felony-murder instruction.  
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23 DATED this 8<sup>th</sup> day of December, 2009.

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Raner C. Collins  
United States District Judge